

REMARKS

Claims 26-40 are now pending, with claim 26 being the sole independent claim.

Claims 1-25 have been canceled without prejudice to or disclaimer of the subject matter recited therein.

Claims 26-40 have been added. Support for the reference to “diacylglycerol acyltransferase activity” in claim 26 is found at least in the paragraph at page 3, lines 25-36 of the specification. Support for the sequence identities and the pairwise alignment default parameters recited in claims 26-29 is found at least in the paragraph beginning on line 34 of page 7 and continuing onto page 8 of the specification. Support for the use of the term “recombinant” in claims 33, 35, 36 and 38-40, is found at least in the paragraph beginning on line 16 of page 12 of the specification. Support for claims 37-39 are found at least in Examples 5-6, pages 23-26 of the specification. Support in the specification for claim 40 is found at least in Example 8, pages 28-29.

The specification has been amended at two locations to remove reference to the following URL: www.ncbi.nlm.nih.gov/BLAST/.

No new matter has been added.

RESPONSE TO RESTRICTION REQUIREMENT

Applicants hereby elect, with traverse, Group I, Claims 1-11, 21, 23 and 24, drawn to nucleotide sequences; the genetic construct comprising the nucleotide sequences, and host cell containing said nucleotide sequence, classified in class 435, subclass 320.1, for example, and SEQ ID NOs:15 and 16, and a plant cell. SEQ ID No:16 is an amino acid sequence encoded by nucleotides 29-1540 of SEQ ID No:15. Applicants believe new claims 26-40 to be directed to Group I.

Upon allowance of a generic claim, Applicants respectfully request rejoinder of the other host cell species of new claims 35 and 36, i.e., a bacterial cell, a yeast cell and a virus. Applicants believe that since the isolated polynucleotide of claim 26 is novel, different host cells comprising the isolated polynucleotide are not independent or distinct inventions, and do not require independent searches of different kingdoms in taxonomy.

Please charge any fees or credit any overpayment of fees which are required in connection herewith to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Allowance of the above-referenced application is respectfully requested.

Respectfully submitted,

/EMIL M. OROZCO, JR./

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